

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEAST DIVISION

HENRY HAMILTON, individually and  
on behalf of others similarly situated,

Plaintiff,

VS.

Case No: 1:14-CV-00109ACL

CITY OF HAYTI, MISSOURI,  
GLEND A OVERBY, CALVIN  
RAGLAND, AMY LEEANN LANNIE,  
and MACO MANAGEMENT CO., INC.,

**MOTION TO DISQUALIFY PLAINTIFF’S COUNSEL**  
**JIM BRUCE FROM REPRESENTING PLAINTIFF**

COMES NOW the Defendant City of Hayti, Missouri, by and through its attorney Spradling & Spradling and moves to disqualify Plaintiff's counsel and in support of said Motion states:

1. Plaintiff's counsel has filed suit against the City of Hayti, Missouri, alleging various federal and state law violations and requesting damages against the City of Hayti, as well as other remedies.
2. Two of the other Defendants, one being the municipal judge and the other being the former city clerk, are or were employed by the City of Hayti, Missouri.
3. The City of Hayti, Missouri, is composed of a mayor and city council persons.
4. The mayor of the City of Hayti, Missouri, is Bobby A. Watkins.
5. Mr. Watkins was and is currently serving as the mayor of Hayti, Missouri.
6. Mr. Watkins has been charged in the Circuit Court of Pemiscot County, Missouri, with various criminal offenses, which case has been transferred to the Circuit Court

of Dunklin County, Missouri, on a change of venue. The case number is: 12DU-CR00896.

7. The Mayor of Hayti, Mr. Bobby A. Watkins, is represented by a Mr. Jim R. Bruce, II, attorney at law and also the attorney representing Henry Hamilton in the above-entitled cause.
8. That as a result of the attorney for the Plaintiff representing the Mayor of the City of Hayti, a potential conflict of interest arises because the Mayor may become privy to confidential communications between the City's attorneys in consultation with the City Council and Mayor concerning this case.
9. That the City's attorneys cannot have a frank and open discussion with the council members in closed sessions concerning the litigation as long as the Mayor is represented by Mr. Bruce, as the potential for disclosure by the Mayor to Mr. Bruce of confidential discussions could occur.
10. The Mayor of the City of Hayti has access to various confidential information or other information that may be provided to him by the attorneys for the City of Hayti in their representation of the City in the above lawsuit which could be passed onto Plaintiff's counsel.
11. It is possible the Mayor of Hayti may become a witness in said cause either for the Plaintiff or for the Defendants.
12. Plaintiff's counsel's representation of Mr. Hamilton and the Mayor of the City of Hayti, Missouri, creates the appearance of a conflict and the appearance of impropriety.

13. Plaintiff's Complaint against the City of Hayti involves the policies and procedures of the City of Hayti, concerning it's fines, bail and issues related to its municipal court. As such, the Mayor may be required to testify concerning those policies and procedures at the same time he's being represented in the criminal case by Mr. Bruce.

IT IS THEREFORE RESPECTFULLY SUBMITTED, the Court disqualify Mr. Jim Bruce, II as attorney for Plaintiff because of the conflict of interest that has been created by Mr. Bruce's representation of Bobby A. Watkins, the current Mayor of the City of Hayti, Missouri, in a pending criminal matter.

SPRADLING & SPRADLING

By: /s/ A.M. Spradling, III  
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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on October 8, 2014, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the attorneys of record.

SPRADLING & SPRADLING

By: /s/ A.M. Spradling, III